

DEVELOPMENT AND PANCHAYAT DEPARTMENT

The 23rd January, 1978

No. 45-5 ECD-I-78/562.—The Governor of Haryana is pleased to order that Shri Satnam Dass, Social Education and Panchayat Officer, while holding the charge of the Panipat Block shall exercise the powers of Drawing & Disbursing and Controlling Officer in respect of this block, till a regular incumbent is appointed. However, he will not be entitled to any extra remuneration for this job nor this appointment shall confer upon him any right of seniority or privilege for appointment to the post of the Block Development and Panchayat Officer.

Chandigarh dated the 17th January, 1978

O. P. TANEJA, Dy. Secy.,

ANIMAL HUSBANDRY DEPARTMENT

The 31st January, 1978

No. 742-AH-I-78/1752.—The Governor of Haryana is pleased to constitute the Board of Management for the Indo-Australian Cattle Breeding Farm, Hissar as follows:

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| (i) Commissioner and Secretary to Government,
Haryana, Animal Husbandry Department | .. Chairman. |
| (ii) Commissioner and Secretary to Government
Haryana, Finance Department, or his representative | .. Member - |
| (iii) Animal Husbandry Commissioner, Government
of India, Ministry of Agriculture and Irrigation,
New Delhi, or his representative | .. Do |
| (iv) A nominee of Australian High Commission in India. | .. Do |
| (v) Project Manager (Australian) Indo-Australian Cattle
Breeding Project, Hissar. | .. Do |
| (vi) Project Director (Indians) Indo-Australian
Cattle Breeding Project, Hissar | .. Do |
| (vii) Director, Animal Husbandry, Haryana | .. Do |
| (viii) Chief Superintendent, Government Livestock farm Hissar | .. Do |
| (ix) A representative of Haryana Agricultural University, Hissar. | .. Do |

2. In case the Commissioner and Secretary to Government, Haryana, Animal Husbandry Department is unable to attend the meeting of the Board due to some other pressing engagement, The Director, Animal Husbandry, Haryana, shall act as Chairman.

3. The Board will review the general policies, objectives, development schedule requirements of budget and bottleneck, in the implementation of programme of the Indo-Australian Cattle Breeding Project and recommend suitable remedial measures.

4. The Headquarters of Board of Management shall be at Chandigarh. The Board shall, however, meet periodically, preferably at Hissar,

5. The members of the Board of Management shall draw TA/DA from the source they draw their salary.

6. This supersede the Haryana Government notification No. 7745-AH-1-77/15371, dated 19th September, 1977.

G. L. BAILUR, Commnr. & Secy.

LABOUR DEPARTMENT

The 4th January, 1978

No. 18040-3 Lab-77/892.—In exercise of the powers conferred by sub-section (2) of section 5 of the Minimum Wages Act, 1948 (Central Act, II of 1948), the Governor of Haryana after considering the advice of the committee appointed under clause (a) of sub-section (1) of the said section is pleased to revise with effect

from the date of publication of the notification in the official gazette, the minimum rates of wages (all inclusive) revised in respect of the employment in Cotton Ginning and Pressing Factories,—vide Haryana Government Notification No. 11134-3 Lab-74/74, dated 30th December, 1974, and also to fix the minimum rates of wages in respect of workers for whom no wages were previously fixed under the said notification.

Serial No.	Category of Workers	All inclusive minimum of wages per mensem
Unskilled		
1.	Mazdoor Casual Labourers	Rs. 190 per month or Rs. 7.25 paise per day
2.	Chowkidar	
3.	Mali	
4.	Peon	
5.	Women employed for whole-time Azfri work	
6.	Women Labourer employed for picking work (part-time) and Ginning (part-time) work	Rs. 0.50 paise per kilo plus Rs. 5 per day
Semi-Skilled Category—I		
1.	Steam Engine Driver	Rs. 250 per month
2.	Press Engine Driver	
3.	Cobbler (Mochi	
Semi-Skilled Category—II		
1.	Oilman	Rs. 235 per month
2.	Coalman	
3.	Press Oilman	
4.	Ginning Oilman	
5.	Boiler Fireman	
Skilled		
1.	Engineer Class III	Rs. 300 per month
2.	Ginning Fitter (Single and Double Roller) Grade-II	Rs. 300 per month
3.	Car Driver (other than private Car Driver)	Rs. 265 per month
4.	Truck Driver	Rs. 300 per month
Clerical Staff		
1.	Clerk (Under Matric)	Rs. 225 per month
2.	Clerk (Matriculate)	Rs. 250 per month
3.	Muneem/Senior Clerk (Graduate)	Rs. 300 per month
4.	Accountant/Cashier	Rs. 300 per month

Note.—

- (1) That there would be no difference in the wages of men and women workers employed for the same work.
- (2) Wherever any of the above category of workmen are engaged/employed through a contractor, the occupier will be personally responsible for ensuring the payment of the minimum rate of wages by his contractor.
- (3) The minimum rates of wages being fixed are linked with the Composite Haryana State Working Class Consumer Price Index Number (base year 1972-73) with September, 1977, as the base month. The rate of neutralisation will be Re. 1 per point on the rise or fall of the consumer price index number. Adjustment in wages will be made six-monthly, i.e., 1st January and 1st July every year taking the average rise or fall in the state-composite index.

The minimum rates of wages being now fixed shall not be affected as a result of the linkage inasmuch as the wages shall not fall below those being fixed now.

The 16th January, 1978

No. 377-4Lab-78/840.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Beco Engineering Company Limited, Mathura Road, Ballabgarh.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL HARYANA, FARIDABAD

Reference No. 209 of 1974

between

SHRI BALJIT SHARMA, WORKMEN AND THE MANAGEMENT OF M/S BECO
ENGINEERING COMPANY LIMITED, MATHURA ROAD, BALLABGARH.

Present: —

Shri H. R. Dua, for the workman.

Shri C. M. Lall, for the management.

AWARD

By order No. ID/FD/74/40214, dated 18th December, 1974 the Governor of Haryana, referred the following dispute between the management of M/s Beco Engineering Company, Limited, Mathura Road, Ballabgarh and its workman Shri Baljit Sharma, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Baljit Sharma was justified and in order?
If not, to what relief is he entitled?

On receipt of the order of reference notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties the following issues were framed by my learned predecessor on 8th May, 1975.

- (1) Whether the demand the subject matter of the present reference was first raised on the management and rejected by it before taking up the matter for conciliation?
If not, with what effect?
- (2) Whether the resignation dated 9th September, 1974, was obtained from Shri Baljit Sharma under duress as alleged by him?
- (3) If issue No. 1 is not proved, whether Shri Baljit Sharma had received his full dues after the acceptance of his above resignation by the management?
- (4) Whether the termination of services of Shri Baljit Sharma was justified and in order?
If not, to what relief is he entitled?

The parties led their evidence and closed their case. Arguments were heard. I give my findings issuewise.

Issue No. 1—

This matter is now not of any importance. It has been settled by the Hon'ble Punjab and Haryana High Court, Chandigarh, holding that raising of demand and rejection by the management is not a pre-requisite to the reference. I, therefore, decide this issue in favour of the workman.

Issue No. 2—

The workman examined himself as W. W. 1 who stated that the Personnel Officer took him upstairs on the first floor telling him that he shall be paid his bonus as the cashier was on the first floor. 3/4 minutes thereafter the Security Officer accompanied by three watchmen came there. The main door of the room was closed and bolted from inside. Two watchmen were on his left and right side. The Security Officer Shri Kohli took a brandished knife and put its blades on the left side of his neck and threatened him that the workman should write what the Security Officer wanted him to write, otherwise the workman would be put to death and thereupon the Personnel Officer Shri Jaggi, handed over a pen and paper to him and asked him to write a resignation and the workman wrote resignation under fear of death and similarly he signed the voucher and also the bonus register under threat of death. The workman also signed some other papers under these circumstances. After coming out of the factory he went to the police station, Ballabgarh made a complaint to the Head Constable present in the police station who received his complaint. The police investigated but the workman could not give any evidence, hence nothing came out. The workman also produced a News item cutting of Nav Bharat Times, which is Exhibit W-2. In cross examination he stated that he had gone to the factory of his own and he retained a copy of the complaint made to the police which is Exhibit C-1. He had not obtained copy of FIR and therefore he could not produce it before this Tribunal. He stated that he did not obtain a copy of FIR as his complaint remained unestablished for want of evidence. The workman closed his case.

Then the case was fixed for the evidence of the management. The management examined Shri Ram Pal Singh as M. W. 1. N. W. 1 is a workman in the factory of the management who stated that Shri Balbir Singh was the President and he was the Secretary of the union. The workman was under enquiry at that time. This witness stated that the workman received a sum of Rs. 1,730 from the management in his presence in full and final settlement of all his claim after the workman had resigned. He stated that the workman concerned had written resignation and other papers of his own and no threat was caused to him. In cross-examination this witness admitted that although normally he had been receiving annual increment ranging between from Rs. 10 to Rs. 15 but he was given annual increment of Rs. 42 per mensem with effect from April, 1974 and he might have received the letter of the management regarding the increment of Rs. 42 in September, 1974. He admitted that charges were levelled against him also and the management acquitted him of the charges. However, he denied the suggestion that he was acquitted of the charges as a reward for witnessing Exhibit M-2. He further admitted that he had come to depose before the Tribunal in a vehicle of the management and Shri Arora, Head Clerk of the management, accompanied him in the vehicle.

I have gone through the documentary evidence also of the parties. Exhibit W-1 is the letter dated 19th August, 1974, advising the workman concerned not to enter within the boundary of the premises of the factory. Exhibit W-2 is News item published in Nav Bharat Times-Hindi Daily of Delhi which reads that a domestic enquiry was held against the workman and the enquiry officer found him guilty of the charges levelled against him and the management after considering the enquiry proceedings and record found the charges proved against the workman concerned and that the workman did not appear in the enquiry proceedings inspite of opportunities being granted to him and enquiry was *ex parte*. The management gave one more chance to the workmen concerned to make representation against the proposed punishment. The management also stated therein that they shall terminate the services of the workman concerned with effect from 16th September, 1974 in case no representation was received and that there was some other dispute under consideration of Shri Dharminder Nath, the Conciliation Officer and application shall be made to him for acceptance. The management offered one months wage and other dues under section 33 of the Industrial Disputes Act and asked the workman concerned to receive it on 16th September, 1974, otherwise, that shall be sent to him by money order. There is another letter of the workman concerned Exhibit C-1 dated 9th September, 1974 addressed to the Conciliation Officer stating that the workman was concerned to resign and to sign on the receipt of Rs. 1730 Exhibit M-3 is the copy of voucher through which the workman is alleged to have received Rs. 1730 Exhibit M-2 is the Photostat copy of a writing witnessing admission by the workman concerned that he has received his dues in full and final settlement mentioning that this sum of Rs. 1,730 was being given to the workman concerned for resignation by him on tendering resignation by him and for settlement of all his dues and his acknowledgement to have received the above said sum. It is witnessed by one Shri Jai Parkash and the other Shri Ram Pal Singh. Exhibit M-1 is the alleged resignation which reads that the workman concerned was unable to serve the factory on account of his domestic problems and that he was tendering resignation praying that his account be settled. Underneath it, there is an endorsement in Hindi under initials and date of some officer of the factory reading that the resignation was being

accepted. Underneath it there is an endorsement by the workman concerned that he has noted on the right side of it, there is another endorsement "accepted" signed by some officer of the company. All endorsement, signatures, initials on Exhibit M-1 and M-2 are dated 9th September, 1974. It is clear from all evidence oral and documentary that the relation between the employer and this workman were strained on account of trade union activities. Exhibit A is a carbon copy of a letter by the management to the workman concerned reading that the the company did not consider the representation of the workman concerned necessary as he had himself resigned and had received his dues and therefore, the company did not write any letter to him. The management in this letter stated that News item in the above said Nav Bharat Times was meaningless in view of the resignation and the same may be considered as cancelled. This letter is dated 18th/19th September, 1974.

There is solitary statement of the workman concerned that he was threatened intimidated by the sharp edge of a knife in some office room of the factory and in absence of evidence the police could not do anything. In cross-examination the workman concerned had stated that relation between his union and the management were not cordial and differences has arisen after a settlement dated 11th July, 1973 and there is no rebuttal of this fact in the evidence of the management. M. W. 1 has also admitted in cross-examination that restriction on the entries of the workman concerned was imposed about a year prior to 11th August, 1976. This is also in the evidence of M. W. 1 that payment of bonus was going on during those days as M. W. 1 received his bonus in the month of August, 1974 and the workman concerned had not been paid bonus upto 9th September, 1974 which fact find place in Exhibit M-2. It seems that the workman concerned might have gone to the factory on 9th August, 1974 for receiving his bonus.

I can not place reliance on the evidence of M. W. 1 who is a workman of the management and was given annual increment of Rs. 42 P.M. with effect from April, 1974 whereas formerly he was getting annual increment of Rs 10 or 15. This is also in the admission of M.W.1 that he might have received the letter of increment of Rs. 42 in the month of September, 1974 i.e. during the same month in which the management alleged that the workman concerned tendered resignation. I fail to understand, when the workman tendered resignation of his own, which was accepted on the same day, why the management gave a News Item to be published in the said Newspaper Nav Bharat Times, dated 11th August, 1974, contents whereof proved that domestic enquiry was held and charges against the workman were proved and the management, after proposing the punishment of dismissal of the workman concerned, asked him to make representation and then the management offered one month's wages to the workman concerned and other dues under section 33 of the Industrial Disputes Act. This fact alone belies the plea of the management that the workman concerned tendered resignation of his own. It is correct that for want of evidence, police could not proceed but it seems clear that the date of resignation is somewhat near the date of the enquiry report and the order of dismissal by the management. In these circumstances a great doubt is cast on the veracity of the plea of the management that the workman concerned tendered his resignation of his own. All the circumstances show that the resignation was not tendered by the workman concerned of his free will, as the management had either dismissed the workman concerned, or had contemplated the dismissal of the workman concerned, and the resignation story starts at this stage of the circumstances and in this situation. The evidence of the management has failed to convince me that the workman concerned tendered resignation of his free will. I, therefore, decide this issue No. 2 in favour of the workman.

Issue No. 3 :

Issue No. 3 arises when issue No. 1 is not proved. Issue No. 1 has been proved in favour of the workman. I have held that the workman concerned did not resign of his free will and resigned under duress. I have seen Exhibit M-2 and Exhibit M-3. I am of the opinion that the management paid to the workman a sum of Rs. 1,730 only but the workman did not receive it of his free will but received it under duress and coercion. It can not amount to full and final settlement and the question of acceptance of his resignation does not arise because the workman did not resign of his free will but wrote resignation under duress and coercion. I, therefore, decide issue No. 3 as follows:—

That Shri Baljit Sharma received a sum of Rs. 1,730 only under duress and coercion and executed Exhibit M-2 and M-3 under duress and coercion. The receipt of this amount by him is not full and final settlement.

Issue No. 4 :

In the pleading of the management, there is a reference of settlement dated 9th July, 1973 and also of the dealing between the workman as representative of the union and the management. The management had also previously imposed a penalty of suspension which they had withdrawn by the said settlement. Para No. 3 of the written statement of the management reads that charge-

sheet was given to the workman concerned, his explanation being found unsatisfactory, domestic enquiry was held and that charges were proved against the workman concerned but the management was to communicate its final decision to the workman, the workman submitted his resignation which the management accepted. Even the pleadings of the management raises suspicion that the workman did not resign of his free will and the resignation was an act of coercion by the management as stated by the workman concerned on solemn affirmation. The management did not prove enquiry proceedings before me, nor filed record of the enquiry proceedings. They only based their case on resignation of the workman concerned which I have not held good. Under the circumstances issue No. 4 is also decided against the management. I, therefore, give my award as follows:—

That the workman did not resign of his free will and the management terminated his services unjustifiably. The termination of services of the workman concerned was neither justified nor in order. He is entitled to reinstatement with continuity of service and with full back wages. The amount of Rs. 1,730 only received by Shri Baljit Sharma by the management, is adjustable against his full back wages, if after adjustment of this sum of Rs. 1,730 only against full back wages of the workman, any part of the said sum of Rs. 1,730 only, as said above is found due to and recoverable by the management, it may be recovered through his wages after reinstatement of through any legal procedure.

Dated 29th December, 1977.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 4, dated the 2nd January, 1978.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 29th December, 1977/2nd January, 1978.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 373-4Lab-78/852.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Elsons Cotton Mills, Private Limited, 23rd Milestone, Mathura Road, Ballabgarh.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 131 of 1976

between

SHRI HET RAM, WORKMAN AND THE MANAGEMENT OF M/S ELSON COTTON MILLS,
PRIVATE LIMITED, 23RD MILESTONE, MATHURA ROAD, BALLABGARH, HARYANA

Present :—

Shri Madhu Sudan Saran Cowshish and Shri Amar Singh Sharma, for the workman.

Shri R. N. Rai, for the management.

AWARD

By order No. ID/FD/392-C-76/24009, dated 15th July, 1976, the Governor of Haryana, referred the following dispute between the management of M/s Elsons Cotton Mills, Private Limited, 23rd Milestone, Mathura Road, Ballabgarh (Haryana) and its workman Shri Het Ram to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Het Ram was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the following issues were framed on 17th November, 1976 :—

- (1) Whether the workman concerned abandoned his service of his own by remaining absent from duty ?
- (2) If issue No. 1 is proved whether it amounts to termination of services by the management.
- (3) Whether the reference is incompetent and illegal ?
- (4) Whether the termination of services of the workman concerned was justified and in order ? If not, to what relief is he entitled ?

The case was fixed for the evidence of the management. The management examined their Head Time-keeper as M. W. I. who placed on the file an extract prepared from the original attendance register. In cross-examination he admitted that the original register was entered by the Time-keeper and not by him and he checked that register on the next day, to see whether any column was blank or not and every column was filled up properly or not. He stated that absence report of the workman was sent to the Labour Officer. He further stated that when the workman is marked absent, his explanation is not called for. He however showed his ignorance to whether the workman concerned had filed any application under the Payment of Wages Act. The management closed their case.

The workman then examined himself as W. W. I. who stated that he was an active member of the union and the Managing Director was annoyed and ordered deduction of Rs. 48/- from his wages of March, 1976. He filed his claim under the Payment of Wages Act. Thereupon the management got more annoyed and took him by ear and turned him out of the factory. He deposed other things regarding his union affairs. He admitted that as per the standing orders, a workman name is struck off the rolls when he absent for 7 days. He denied that he was absent for 7 days. The workman closed his case. Now I give my findings issuewise.

Issue No. 1 :

I have gone through the documentary evidence also. Ex. W-1 is the demand notice. Ex. W-2 is the postal receipt relating to covering registered letter. Ex. W-3 is the forwarding letter of comments of the Conciliation Officer. Ex. W-4 are the conciliation proceedings. Ex. W-5 is reply of the management before the authority under the Payment of Wages Act. Ex. M-3 is the copy of application under section 15 of the payment of wages Act. Ex. M-2 are standing orders of the management. Ex. M-1 is the extract prepared from the attendance register of the management. In Ex. M-1 the workman is marked present on 3rd April, 1976, on 4th April, 1976, there is holiday or weekly holiday. From 5th to 11th (both inclusive) the workman is marked absent. Thereafter his name is struck off the roll but the person entering the attendance register that is the time-keeper has not been produced by the management. The Head Time-keeper has been produced who only checked the entries on the next day.

It is proved that the workman has filed an application under section 15 of the Payment of Wages Act and the management have filed its reply before the authority appointed under the Payment of Wages Act. These are the documents of the management that they have produced. The plea of the workman that he had filed application under Payment of Wages Act is supported by the documents filed by the management. The Head Time-keeper has deposed regarding the absence of the workman concerned from entries in the attendance register and not from his personal knowledge and the man entering the attendance register has not been produced by the management. I have gone through the standing orders. Clause G of Rule 7 of the standing orders provides that if a workman remains absent from his duty for a continuous period of 7 days, he shall be deemed to have voluntarily left services. Moreover, under clause E of Rule 12 of the standing orders, absence without leave for more than 7 consecutive days has been described misconduct. Rule 13 (c) provides that without holding an enquiry no workman shall be dismissed. In this case, no domestic enquiry has been held nor the workman has been charge-sheeted. His name has been struck off the rolls straightway. Moreover, according to the workman he was not absent for 7 days. There is inconsistencies in the standing orders described hereinbefore.

Absence for more than 7 days has been described as misconduct and absence for 7 days is deemed that the workman has left the service.

From the discussions of all the evidence of the parties, I find that issue No. 1 is not proved by the management. Therefore, I decide issue No. 1 against the management.

Issue No. 2 :

As a result of my finding on issue No. 1, I decide issue No. 2 in the favour of the workman.

Issue No. 3 :

I do not find the reference incompetent and illegal. I, therefore, decide this issue against the management.

Issue No. 4 :

In view of my findings on issues Nos. 1 and 2, I decide issue No. 4 against the management.

I, therefore, give my award that the termination of services of Shri Het Ram was neither justified nor in order. He is entitled to reinstatement with continuity of service and with full back wages.

NATHU RAM SHARMA,

Dated 24th December, 1977.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9, dated 2nd January, 1978.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Dated 2nd January 1978.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 369-4Lab-78/860.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Shakti Co-operative Transport Ltd., Railway Road, Mal Godown Faridabad.

**BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD**

Reference No. 28 of 1977

between

SHRI RAM PARSHAD WORKMAN AND THE MANAGEMENT OF M/S SHAKTI CO-OPERATIVE TRANSPORT LTD., RAILWAY ROAD, MAL GODOWN, FARIDABAD

Present:—

Shri Roshan Lal Shatma for the workman.

Shri K. K. Prasher for the management.

AWARD

By order No. ID/6193, dated 18th February, 1977, the Governor of Haryana, referred the following dispute between the management of M/s Shakti Co-operative Transport Ltd., Railway Road, Mal Godown, Faridabad and its workman Shri Ram Parshad to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d), sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Ram Parshad was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties filed their pleadings and on their pleadings the following issues were framed on 4th October, 1977:—

- (1) Whether the reference is bad in law on the ground that the management has been described by a wrong name?
- (2) Whether the name of the management given in the order of reference is wrong?

The management was not described by the workman correctly. He omitted the word "Society" between the word "Transport" and "Limited". Therefore, no executable award could be given and this error realised by the representative of the workman. He therefore, made a statement that the name of the management is not correct and therefore he did not want to proceed with the reference and shall serve a fresh demand notice on the management giving correct description and he shall move again the proper authority to make a fresh reference. I, therefore, give my award as follows:—

That there is no dispute between the management as described in the order of reference and the workman. The management has not been described correctly by the workman. However, this shall not debar the workman from raising his dispute afresh by describing the management correctly. Nor it shall bar the workman to move the proper authority for a fresh reference.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 3rd January, 1978

No. 17, dated the 3rd January, 1978

Forwarded, (four copies) to the Secretary to Government, Haryana Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.

Dated the 3rd January, 1978

No. 423-4Lab-78/870.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s Hindustan Engineering Works, E-15, Industrial Area, Bahadurgarh:—

BEFORE SHRI MOHAN LAL, JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 23 of 1976

between

SHRI JAGAN NATH, WORKMAN AND THE MANAGEMENT OF M/S HINDUSTAN ENGINEERING WORKS, E-15, INDUSTRIAL AREA, BAHADURGARH

AWARD

By order No. ID/RK/112-A-76/34524, dated 21st September, 1976, the Governor of Haryana, referred the following dispute between the management of M/s Hindustan Engineering Works, E-15, Industrial Area, Bahadurgarh and its workman Shri Jagan Nath to this Court for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Jagan Nath was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Court in response to the usual notices of reference sent to them and filed their pleadings.

The workman alleged in conformity with the notice of demand Ex. W-1 served by him on the management concerned, - vide claim statement filed by him that he was their employee as a Chowkidar on wages of Rs. 190 per month since 1971 and that they abruptly terminated his services on 1st July, 1976, without assigning any reasons in order to victimise him for his refusal to make an application for fresh enrolment and that he was as such entitled to reinstatement with continuity of service and full back wages.

The management while denying the allegations of the workman concerned that they terminated his services, pleaded, - *vide* written statement filed by them that he resigned his job on 14th June, 1976 with a request to clear all his accounts on 12th July, 1976 and that this resignation was accepted with effect from 30th June, 1976. They thus set up a case that the reference was bad in law.

The workman reiterated the allegations made by him in the claim statement and controverted the pleas of the management concerned, - *vide* rejoinder filed by him while giving out that he never submitted any resignation and that one relied on by the management was false and fabricated.

The following issues were thus framed by me on pleas of the parties, - *vide* my order, dated 4th May, 1977 :-

- (1) Whether the workman resigned his job on 14th June, 1976 and the management accepted the same with effect from 30th June, 1976 and informed about the order of acceptance of the resignation of the workman the same day ?
- (2) If not whether the termination of services of Shri Jagan Nath was justified and in order ? If not, to what relief is he entitled ?

I have heard learned authorised representatives of the parties with reference to the evidence led by them on the aforesaid issue. I have also heard them on an application made by the management for permission to adduce additional evidence after they had closed their case, on the ground that they could not lead proper evidence at the earlier stage on account of the failure of the workman to take a specific plea in respect of his signature appearing on the resignation Ex. M-1 and that they as such required further opportunity to do so. I, first propose to decide this application strongly resisted by the workman concerned.

As would appear from the statement of the pleas of the parties reproduced above, the workman specifically denied the case of the management that he submitted his resignation, - *vide* rejoinder filed by him and gave out that if there was any resignation dated 14th June, 1976 in their possession the same was false and fabricated. The matter in controversy relating to the alleged resignation was accordingly subject of issue No. 1 stated above. It cannot thus be said by any stretch of imagination that the management had no opportunity to examine the hand writing expert in order to prove the signatures of the workman concerned allegedly appearing on the resignation Ex. M-1, admittedly in their possession. It could on the other hand be safely said that they were actually called upon to prove that the workman voluntarily submitted the resignation relied on by them and the same bore his signatures. They in fact led some evidence in support of issue No. 1 and closed their case as far back as on 2nd July, 1977. It is under the circumstances too late in the day for them to wake up and apply for adducing fresh evidence even after the workman closed his rebuttal on 20th September, 1977. I, fully agree with Shri Dhan Singh authorised representative of the workman concerned that they cannot be allowed to fill in lacunas if any left in the evidence led by them earlier. The application made by the management is thus frivolous and has no merit and is hereby rejected.

I now decide the issues as under:—

Issue No. 1

The management concerned in order to prove this issue examined on Shri Parkash Chand their Manager MW-1 and closed their case. Shri Parkash Chand the lone witness examined by the management deposed that he found on 14th June, 1976 resignation Ex. M-1 placed on his table on his reaching the office at 8.30 A.M. and that after reading the same he called Shri Jagan Nath workman in his office and asked the reasons of his resigning the job. He added that the workman replied that he could not make both hands meet with the wages he was receiving and he had as such decided to resign the job and that he (Shri Parkash Chand) placed the resignation on the table of Shri Shripal Jain partner who came to the factory the next day and accepted the resignation, - *vide* endorsement Ex. M-1/A, without calling the workman concerned or asking him any question. He admitted that the workman continued to work even after the acceptance of the resignation and was asked by Shri Shripal Jain partner subsequent to the acceptance of the case, the reasons for his resigning the job and that he gave the same reply. He admitted that the resignation was not scribed or signed by the workman in his presence. He could not tell the date when the workman actually ceased to work.

I have carefully considered the statement of Shri Parkash Chand with reference to the original resignation Ex. M-1, denied by the workman to be under his signatures. The management did not examine the scribed of the resignation in order to prove that it was written on the asking and at the request of Shri Jagan Nath workman. The resignation Ex. M-1 purports to bear the endorsement of Shri Shripal Jain partner in respect of its acceptance on 14th June, 1976 even though this endorsement was made according to Shri Parkash Chand on 16th June, 1976. No reasons were explained as to why

the resignation was accepted with effect from 30th June, 1976 when the workman had allegedly made a request to be relieved on 12th July, 1976, so much so Shri Shripal Jain partner did not care to appear in the witness box for explaining all these inconsistencies. The management again did not bring on record the date when the workman actually left his job and the statement of Shri Parkash Chand that he assented having made the resignation before Shri Shripal Jain after 15th June 1976 remained uncorroborated in absence of the statement of the later on record in that direction. There is no endorsement of Shri Parkash Chand on the resignation Ex. M-1 in respect of his having asked Shri Jagan Nath workman the reasons for its submission and the absent expressed by him and his oral statement made in that direction is not sufficient to establish the case of the management under this issue. The management did not care to prove even the signatures of the workman on resignation Ex. M-1 by way of its comparison with his specimen signatures and considered from any angle the resignation Ex. M-1 has not been proved to be a genuine document scribed and written on the asking and at the request of the workman and duly signed by him. The management have thus miserably failed to discharge the burden of this issue heavily placed on them.

Even assuming that the resignation Ex. M-1 was submitted by Shri Jagan Nath, workman, the admitted fact that he was allowed to work even thereafter and in absence of evidence on record of the date of his being relieved, the management shall be deemed to have not acted upon the resignation. Shri Jagan Nath stoutly denied his having submitted the resignation Ex. M-1 or his ever signing the same and his statement thus well rebutted the evidence of Shri Parkash Chand. I, thus hold that there is no cogent, trust worthy and independent evidence on record in favour of the management to prove the execution of the resignation Ex. M-1 by the workman concerned and his duly submitting the same for acceptance voluntarily and the acceptance being conveyed to him. I, therefore decide this issue against the management.

Issue No. 2

In view of my findings on issue No. 1, I, hold that the management illegally terminated the services of the workman concerned with effect from 1st July, 1976 and that he is entitled to reinstatement with continuity of service and full back wages and answer the reference while returning the award in these terms.

Dated, the 28th December, 1977.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 67, dated 9th January 1977

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment, Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 30th January, 1978

No. 824-Lab-78/1131.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana, is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Faridabad, in respect of the dispute between the workman and the management of M/s. Jotindra Steel and Tubes LTD., 14/3 Mathura Road Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 102 of 1976

between

THE WORKMAN AND THE MANAGEMENT OF M/S. JOTINDRA STEEL AND
TUBES LIMITED, 14/3 MATHURA ROAD, FARIDABAD

Present :—

Shri Madhu Sudan Saran Cowshish. for the workmen.
Shri O. P. Tyagi, for the management.

AWARD

By order No. ID/FD/854-G-75/19693, dated 7th June, 1976 the Governor of Haryana, referred the following dispute between the management of M/s. Jotindra Steel and Tubes Limited, 14/3 Mathura Road, Faridabad and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

- (1) Whether the workmen shown in Annexure 'A' were forcibly stopped from duty ? If so, to what relief are they entitled ?
- (2) Whether the dismissal of Shri Dev Saran is justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. The workmen representative stated that he withdrew the dispute No. 1 and shall pursue dispute No. 2 only. The following issues were framed on 10th March, 1977.—

- (1) Whether the dismissal of Shri Dev Saran is justified and in order ? If not, to what relief is he entitled ?
- (2) Whether Shri Ram Avtar Sharma has locus standi to raise the dispute ?
- (3) Whether the dispute has been properly espoused by substantial number of workmen ?
- (4) Whether the workmen did raise the demands on the management ? If not, to what effect ?

Another issue No. 5 was framed on 29th April, 1977.

- (5) Whether the workman concerned abandoned the employment of the management of his own accord ?

Then the case was fixed for the evidence of the workmen. It was at this stage that the parties settled dispute No. 2 also. The representative for the management stated that the management was prepared to pay a sum of Rs. 1100/- only to the workmen Shri Dev Saran if he gave up the dispute. The payment of Rs. 1100/- only as said above shall be full and final settlement of all the dues of the workman and the workman shall not be entitled to reinstatement or re-employment. The representative for the workman agreed and prayed that award may be given accordingly. I, therefore, give my award as follow :—

- (1) That dispute No. 1 has been withdrawn by the representative for the workman.
- (2) That the management is liable to pay to the workman a sum of Rs. 1100/- only and thereupon the dismissal of Shri Dev Saran shall be deemed justified and in order. He shall not be entitled to any other relief. Neither he shall be reinstated or re-employed by the management.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 6th January, 1978.

No. 57, dated the 9th January, 1978.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.